

MINUTES OF THE HOWARD COUNTY PLANNING BOARD – January 3, 2008 P.M.

Members Present: Tammy CitaraManis, Chairperson; David Grabowski, Vice-Chair; Gary Rosenbaum; Ramsey Alexander, Jr.

Members Absent: Linda Dombrowski

DPZ Staff Present: Steve Lafferty; Bob Lalush; Kent Sheubrooks; Lisa Kenney

Pre-Meeting Minutes

Minutes 9/20/07 & 11/1/07

On motion by Mr. Grabowski and seconded by Mr. Rosenbaum the Minutes of September 20, 2007 were approved. Vote: 4 Yea 0 Nay.

On motion by Mr. Alexander, Jr. and seconded by Mr. Grabowski the Minutes of November 1, 2007 were approved. Vote: 3 Yea 0 Nay. Mr. Rosenbaum abstained from the vote.

PUBLIC MEETING

Ms. CitaraManis opened the public meeting at approximately 7:02 p.m.

ZONING REGULATION AMENDMENTS

ZRA-88 Taylor Family Ltd. Partnership

Presented By: Bob Lalush
Petition: To amend the zoning regulations for POR and PEC to allow retail and personal service uses under certain circumstances.
DPZ Recommendation: Denial
Petitioner's Representative: Joe Rutter, Land Design and Development

Mr. Lalush explained that the case was originally heard by the Planning Board in October of 2007 and tabled the amendment at that time. Mr. Lalush further explained the current requests for an amendment to the POR District to allow certain B-1 uses, as well as amend PEC to allow B-1 uses with certain criteria. He stated that the Department recommends denial for both proposals and would suggest a zoning map amendment be submitted in lieu of zoning regulation amendments in order to allow more community involvement.

Mr. Rutter stated that the Petitioner looked at some of the changes suggested by the Board when the amendment was introduced in October 2007 and tried to incorporate them in the amendments. He also stated that a zoning map amendment would be difficult to achieve due to comprehensive zoning having recently ended. Mr. Rutter explained the revisions made to the amendment that would put restrictions on number of units allowed, as well as a cap on square footage. He further explained the intent was for service retail for those uses normally in an age-restricted community.

Motion:

Mr. Rosenbaum moved to follow Staff's recommendation to Deny ZRA 88 as written. Mr. Alexander, Jr. seconded the motion.

Discussion:

Mr. Rosenbaum stated that the first amendment would affect a significant number of sites and without community input. Mr. Grabowski concurred and added that the Petitioner could request a zoning map amendment, which would allow community input. Mr. Alexander Jr. agreed and stated that the community should have opportunity to comment in a zoning case.

Vote:

3 Yea 0 Nay. The motion was carried. Ms. CitaraManis abstained as she was not present at the October, 2007 meeting which this case was first presented.

SITE DEVELOPMENT PLANS**SDP-07-131 Wegmans Food Markets, Inc.**

Presented By:	Kent Sheubrooks
Petition:	For approval of a Site Development Plan for the construction of a two-story food market store, a two-level parking garage structure and associated site improvements. The subject property contains 12.2 acres of land zoned "New Town – Employment Center – Industrial" and is located on the northwest corner of Snowden River Parkway and McGaw Road in the Sixth Election District of Howard County, Maryland.
DPZ Recommendation:	Approval
Petitioner's Representative:	Richard Talkin, Esquire

Mr. Sheubrooks gave a brief overview of the proposed plan to construct a two-story, food market store with a parking structure. He explained that the amended FDP was approved for grocery store use and that the plan needed Planning Board approval to exceed the 50 foot height limitation in order to construct the clock tower. Mr. Sheubrooks stated that the landscaping plan was in compliance with Howard County standards and that road improvements were previously approved under the Final Plan F-07-208.

Mr. Rosenbaum questioned the computation of lot coverage due to the fact that the plan is fairly close to 50%. Mr. Sheubrooks explained that he did the computations and the plan falls just under the lot coverage requirement.

Ms. CitaraManis questioned the purpose of the clock tower. Mr. Sheubrooks explained that the clock tower is an architectural building feature only, which is why the Department is in agreement with the tower. Ms. CitaraManis questioned the traffic capacity with regards to APF regulations. Mr. Sheubrooks explained that the traffic study included more than what was in the immediate area of the proposed development and that the plan meets the requirement. She also asked if the plan would come before the Board if it had not passed APF requirements. Mr. Sheubrooks said that was correct and that the engineering of road improvements had been approved at the Final Plan stage.

Mr. Rosenbaum questioned pedestrian access and Mr. Sheubrooks explained that there are areas for pedestrian access and that a capital project is being proposed for sidewalk improvements on Snowden River Parkway that the developer would pay for. He further explained that McGaw is being built as part of a road construction project.

Mr. Richard Talkin representing the Petitioner, Wegmans, stated that the Petitioner concurred with the Department of Planning and Zoning's staff report and that they are requesting an increase in height for the clock tower only.

Steve Levy of Wegmans stated that they would be providing cross walks with signalization along with road improvements. He also stated that the clock tower is a trademark element of all new Wegman's stores. He also stated that due to the size of the store, they were trying to create a vertical element instead of a long, flat wall. Mr. Levy explained that the tower was a small piece of a large building that would not impair appropriate development of adjoining property's or alter the character of the neighborhood.

Ms. CitaraManis questioned if the clock tower was a necessity and Mr. Levy explained that it has been used on the newer stores and has not been an issue and that it was the center of the design for the store.

Mr. Rosenbaum questioned if HRD had reviewed the architecture of the proposed store including the tower. Mr. Levy stated that HRD requested additional landscaping along Snowden River and a buffer between McGaw property and rear loading area. Mr. Rosenbaum asked what the average height of the tower at recently built stores. Mr. Levy stated that they were 82-92 feet in height.

Mr. Talkin stated that the tower is basically for better design and has been approved by HRD's architectural committee. He also stated that APF regulations had been met and that road drawings had been approved by the County.

Wes Guckert of the Traffic Group stated that the traffic study was prepared following the APF guidelines and that road improvements would provide capacity at a level of service C or better. He further stated that the study had been approved by the Department of Planning and Zoning.

Chad Edmondson of the Department of Planning and Zoning's Development Engineering Division stated that all standard procedures and guidelines were followed and that the Department concurred with the Traffic Group's study.

Ms. CitaraManis questioned if the roads would be adequate once improvements are completed. Mr. Edmondson explained that the road improvements and the building would have to go together. Mr. Sheubrooks stated that road improvements must be done before the building can be occupied.

Mr. George Doertsch of Apple Ford spoke in support of the plan stating that it would be an enhancement to the area.

Mr. Stanford Hess of 6440 Baltimore National Pike stated that he concurred with Wegman's position.

Ms. Gail Goldberg of 2766 Westminster Road, Ellicott City, Maryland stated her support for the plan and that it would be an improvement to quality of life.

Ms. Janice Oliver of 5435 Wooded Way, Columbia, Maryland spoke in support of the plan stating that Wegman's would be an improvement over existing grocery stores in her neighborhood.

Mr. Stuart Lamb of 5435 Wooded Way, Columbia, Maryland spoke in support of the plan stating that more competition would encourage existing businesses to be better.

Ms. Audrey Bemanoff of 5546 Windy Sun Court, Columbia, Maryland stated her agreement with previous testimony.

Ms. Susan Grey, representing Carvel May's Inc. spoke in opposition to the plan stating that there are major traffic concerns. She also stated that she would like to submit written testimony due to her issues taking more than the time allowed to speak.

Mr. Paul Johnson advised the Board that traffic issues were not part of the criteria for the site development plan since they were already approved at the final plan stage.

Ms. Grey stated that the site development plan process is predicated on illegal spot zoning. She also stated that the clock tower would be a variance and the property should have been posted, however that was not done.

Mr. Rosenbaum stated that the case was posted and advertised and asked why Ms. Grey had not participated previously at the FDP public meeting in September of 2007. Ms. Grey stated that she was no aware of the public meeting in September, 2007, however she is filing an appeal of the Planning Board's decision, which is currently in process.

Mr. Sheubrooks stated that the provision for variances in NT were only for amended site plans in residential areas so neighbors could comment on the plan. He stated that the Petitioner is going above and beyond what the County requires for landscaping.

Mr. Ron Yaffee of 9229 Silver Sod, Columbia, Maryland spoke in opposition of the plan stating his concerns with traffic along Snowden River Parkway.

Mr. Frank Tavani of FTA, Inc. spoke on behalf of the Joint Labor Union and Responsible Growth for Columbia stating their concerns with traffic in the immediate vicinity of the proposed store. Mr. Tavani presented the Board with his evaluation of the traffic study. He stated several faults with trip counts as well as criteria used for the study.

Mr. Rosenbaum asked Mr. Tavani's opinion regarding traffic. Mr. Tavani stated that his concern with an increase in traffic as well as the parking in front of the store instead of the back.

Mr. Donald Harman of 9234 Silver Sod, Columbia, Maryland spoke in opposition of the plan due to traffic concerns.

Mr. Phil Rousseau of 9250 Silver Sod, Columbia, Maryland spoke in opposition of the plan stating his concerns regarding traffic.

Ms. Michele Eubank, representing 1800 members in grocery store industry throughout the County stated their opposition to the plan due to loss of jobs, employees sacrificing seniority as well as retirement benefits.

Ms. Donna Grey, representing Safeway union members spoke against the plan stating that employees could lose hours or possibly transferred to stores in other areas of the state.

Mr. William Johnson of 9236 Hourglass Place, Columbia spoke in opposition of the plan due to traffic issues.

Mr. George Murphy of 805 Gamber Court, Gambrills, Maryland spoke in opposition of the plan stating that Wegman's is not a good neighbor in his neighborhood due to lack of regular maintenance of their property.

Ms. CitaraManis stated that the record would remain open for written testimony until the close of business on January 17, 2008 and that the Petitioner had until January 25, 2008 to respond. She also announced a public worksession to discuss the plan on January 31, 2008 in the Ellicott Room, beginning at 7:00 p.m.

SDP-08-011 Miller and Smith at Maple Lawn, LLC

Presented By:	Kent Sheubrooks
Petition:	For approval of a Site Development Plan for the construction of 26 SFA residential dwellings and other related site improvements. The subject property is zoned "MXD-3", containing approximately 1.85 acres of land and is located along Tilghman Street, approximately 400 feet west of Old Columbia Road on Tax Map 41, Grid No. 22 in the Fifth Election District of Howard County, Maryland.
DPZ Recommendation:	Approval
Petitioner's Representative:	None Present

Mr. Sheubrooks explained the request for 26 single family attached dwelling units in the Hillside District of Maple Lawn Farms. He also presented the Board with photos of architecture of the proposed development. Mr. Sheubrooks stated that the plan in accordance with Planning Board Case 328.

Motion:

Mr. Grabowski moved to approve the technical staff report for SDP-08-011 and Mr. Alexander, Jr. seconded the motion.

Discussion:

Mr. Grabowski stated that the plan meets the criteria and is similar to other Maple Lawn developments and that the landscaping is above and beyond Howard County requirements.

Mr. Rosenbaum and Mr. Alexander, Jr., and Ms. CitaraManis concurred that the plan meets the criteria.

Vote:

4 Yea 0 Nay. The motion was carried.

SDP-08-014 Columbia Association

Presented By:	Kent Sheubrooks
Petition:	For approval of a Site Development Plan for the construction and replacement of the on-story Tennis Center Building and associated site improvements. The subject property is zoned "New Town-Open Space Credited", containing approximately 2.8 acres of land and is located on the south side of Cross Fox Lane directly opposite of Lynx Lane on Tax map 29, Grid No. 24 in the Fifth Election District of Howard County, Maryland.
DPZ Recommendation:	Approval
Petitioner's Representative:	None Present

SDP-08-014

Mr. Sheubrooks explained the request to replace a one-story tennis building as well as sidewalks and additional site improvements. He stated that the plan complies with the existing FDP criteria setbacks and land use requirements and that the parking would be shared with the swim center.

Mr. Rosenbaum questioned if the new building would be higher and Mr. Sheubrooks explained that it would be approximately the same with a trellis roof to provide some shading.

Ms. CitaraManis questioned if there would be an increase in the footprint and Mr. Sheubrooks stated the footprint would be a little larger.

Motion:

Mr. Grabowski moved to accept the technical staff report for SDP-08-014 and Mr. Alexander, Jr. seconded the motion.

Discussion:

Mr. Grabowski stated that the plan meets existing FDP requirements and would improve handicap capability.

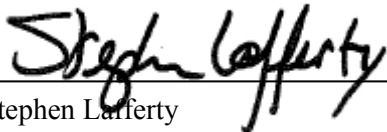
Mr. Rosenbaum agreed with Mr. Grabowski and added that the plan would be basic maintenance of the infrastructure.

Mr. Alexander, Jr. and Ms. CitaraManis concurred.

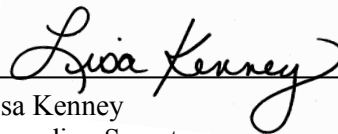
Vote:

4 Yea 0 Nay. The motion was carried.

THERE BEING NO FURTHER BUSINESS, THE PLANNING BOARD ADJOURNED AT APPROXIMATELY 10:20 P.M.



Stephen Lafferty
Acting Executive Secretary



Lisa Kenney
Recording Secretary